

REMARKS

This Reply and Amendment is intended to be completely responsive to the final Office Action dated September 20, 2005. Claims 1-34 are pending in this Application. Claims 8-9, 12-14, 18-19, 22-25, 31-32 and 34 are withdrawn. Claims 1-5, 10, 15-17, 20-21, 26, 28, 30 and 33 stand rejected. Claims 6, 7, 11, 27 and 29 are objected to.

Upon entry of this Amendment, Claims 1-2, 5-7, 10-11, 16-17, 20-21, 26-30 and 33 will be amended. The Applicants have amended the claims to expedite issuance of allowable subject matter and submit that the pending claims are all in condition for allowance. The Applicants respectfully request entry of the Amendment and reconsideration and allowance of the pending claims.

Allowable Subject Matter

The Applicants thank the Examiner for the indication of allowable subject matter.

In Section 11 of the Office Action, the Examiner stated that Claims 6, 7, 11, 27 and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

Independent Claim 1

The Applicants have amended independent Claim 1 to include the subject matter of allowable dependent Claim 6. The Applicants submit that independent Claim 1 (as amended) is in condition for allowance and respectfully request allowance of independent Claim 1 (as amended) and dependent Claims 2-7 as they depend from independent Claim 1.

Independent Claim 10

The Applicants have amended independent Claim 10 to include an “axe” as recited in allowable dependent Claim 11. The Applicants submit that independent Claim 10 (as amended) is in condition for allowance and respectfully request allowance of independent Claim 10 (as amended) and dependent Claims 11 and 15-17 as they depend from independent Claim 10.

Independent Claim 20

The Applicants have amended independent Claim 20 to include a “cutting tool” and certain subject matter of allowable dependent Claim 27. The Applicants submit that independent Claim 20 (as amended) is in condition for allowance and respectfully request allowance of independent Claim 20 (as amended) and dependent Claims 21 and 26-27 as they depend from independent Claim 20.

Independent Claim 28

The Applicants have amended independent Claim 28 to include the subject matter of allowable dependent Claim 29. The Applicants submit that independent Claim 28 (as amended) is in condition for allowance and respectfully request allowance of independent Claim 28 (as amended) and dependent Claims 29-30 and 33 as they depend from independent Claim 28.

Claim Rejection – 35 U.S.C. § 112 ¶ 2

In Section 5 of the Office Action, the Examiner rejected Claim 33 as being indefinite because there is insufficient antecedent basis in dependent Claim 33 for the limitation “the second retainer.”

The Applicants have amended dependent Claim 33 in a manner that no longer recites “the second retainer” and that now provides proper antecedent basis for the recited subject matter. The Applicants believe that the rejection to dependent Claim 33 has been overcome and respectfully request reconsideration and allowance of dependent Claim 33.

Claim Rejections – 35 U.S.C. § 102(b)

In Section 8 of the Office Action, the Examiner rejected Claims 1-5, 10, 16-17, 20-21, 26, 28, 30 and 33 as being anticipated by U.S. Patent No. 5,133,138 issued to Durcho (“Durcho”).

The Applicants submit that the amendments to independent Claims 1, 10, 20 and 28 have overcome the rejections, and respectfully request withdrawal of rejection and allowance of Claims 1-5, 10, 16-17, 20-21, 26, 28, 30 and 33.

Claim Rejections – 35 U.S.C. § 103(a)

In Section 15, the Examiner rejected dependent Claim 15 as being unpatentable over Durcho under 35 U.S.C. § 103(a). Dependent Claim 15 depends from independent Claim 10 (as amended). As previously described, independent Claim 10 has been amended to recite a combination of subject matter that the Applicants believe is allowable.

Accordingly, the Applicants respectfully request withdrawal of the rejection and reconsideration and allowance of dependent Claim 15.

* * *

The Applicants respectfully submit that each and every outstanding rejection to the pending claims has been overcome, and the Application is in condition for allowance. Upon entry of this Amendment, Claims 1-2, 5-7, 10-11, 16-17, 20-21, 26-30 and 33 will be amended. The Applicants have amended the claims to expedite issuance of allowable subject matter do not necessarily acquiesce in the rejections cited by the Examiner in view of Durcho; the Applicants reserve the right to present additional arguments and amendments in support of patentability of the claims in further prosecution. The Applicants submit that the pending claims are all in condition for allowance and respectfully request entry of the Amendment and reconsideration and allowance of the pending claims.

* * *

The Examiner is invited to contact the undersigned by telephone if the Examiner believes that a telephone interview would advance the prosecution of the present application.


The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, the Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

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